



Estimating the Incidence of Statutory Rape in Virginia

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A report prepared by

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Statutory rape is broadly defined as sex between a young adolescent, usually female, and a person significantly older, usually male. Although statutory rape is not a legal term, each state has laws addressing “consenting” sex between a young adolescent and an older partner.

Statutory rape laws were derived to address the issue of consent in young adolescents. A law addressing statutory rape protects the adolescents by removing their ability to consent to sexual relationships with older partners. For ease of discussion, this report will use the term statutory rape to refer to the Code of Virginia § 18.2-63, carnal knowledge of a child aged 13 or 14. This code is in Appendix A. Carnal knowledge of a child younger than 13 is automatically considered to be rape and falls under the Code of Virginia § 18.2-61. An adult over age 17 who has sex with a child over age 14, but under age 18, can be guilty of contributing to the delinquency of a minor (§ 18.2-371). Additional laws that protect older adolescents within a correctional facility and laws against incest are not addressed in this report.

Statutory rape can have severe negative consequences for both victims and perpetrators. For victims, statutory rape may lead to unplanned pregnancy, poorer psychological adjustment (unhealthy dating relationships, low self esteem, etc.), maladaptive patterns of sexual behavior (premature sexual activity, excessive number of sexual partners over the lifetime, etc.), and sexually transmitted diseases. Perpetrators are breaking the law and may serve time in jail. To help understand the nature and scope of this problem, this report provides estimates of the incidence of statutory rape in Virginia.

The incidence of statutory rape was estimated in two ways. First, the number of births in which the father was three or more years older than the mother and the mother was 15 or 14 were tallied. The rationale for using these criteria was that sexual intercourse precedes pregnancy by approximately 9 months. That is, most 15 year old mothers probably had intercourse when they were 14, and most 14 year old mothers probably had intercourse when they were 13. These data were provided by Vital Records at Virginia Department of Health. Birth certificates record the ages of the parents in years, but not months, so these totals may include some births to fifteen year olds that cannot be directly attributed to an incidence of statutory rape (e.g., a girl had intercourse when she was 15 years and 0 months old, and gave birth when she was 15 years and 9 months old). These data may not include some 13 year old mothers who had intercourse leading to pregnancy when they were 13 years old (e.g., a girl had intercourse when she was 13

years and 0 months old, and gave birth when she was 13 years and 9 months old). It should be noted that very few births occur for mothers age 13.

The second way in which statutory rape was estimated was from crime data reported to the Virginia State Police. Two measures were obtained from VSP, the number of offenses for statutory rape reported to law enforcement officials, and number of arrests for statutory rape. It is important to note that reported offenses probably do not provide an accurate description of the incidence of statutory rape in Virginia for at least two reasons. First, rape is a severely underreported crime. The National Crime Victimization Survey estimates that for every reported rape, 6 more go unreported. Although there are no studies specifically detailing the underreporting of statutory rape cases, underreporting of statutory rape is probably similar. Second, the statutory rape law of Virginia is probably not well understood, and many cases of statutory rape are probably not recognized as such by adolescents themselves (either victims or perpetrators), families, or professionals. Therefore, many cases of statutory rape are probably not reported. In addition to reported offenses, arrests for statutory rape are also reported. Offense to arrest ratios provide yet another perspective on statutory rape.

Data addressing contributing to the delinquency of a child are not presented in this report. The broad nature of the code does not allow for specific count of the crimes committed under subset (i) and subset (ii). Therefore, a count of the crimes in this category would include crimes relating to other abuses and neglect.

The data are organized by FIPS codes (Federal Information Processing Standards), which is the standard code used by the Federal government to identify the counties and independent cities in all states. There are 135 counties and independent cities in Virginia. Some branches of the State government use codes that are similar to, but not identical with, the FIPS system to classify communities. FIPS codes were chosen because they are the most commonly used coding system. In addition to tallies for individual counties and cities, tallies are given for 5 Health Regions (as defined by VDH) and for the Commonwealth as a whole.

There are some additional caveats regarding the crime reports. As will be seen in the data tables below, statutory rape was not tallied by all jurisdictions as a separate crime until 2000. Prior to 1999, statutory rape and incest were combined in the UCR (Uniform Crime Report), and so no statutory rape data are presented for 1998. Beginning in 1999, many, but not all, communities converted to incidence based reporting, and in this system, statutory rape was

reported separately. Nevertheless, within some communities, not all reporting agencies converted. Finally, regardless of the reporting system, some communities did not provide full data for some years (i.e., for some months during some years, no reports were provided). Tallies from communities for which the data are not complete are marked with an asterisk, and these communities are noted below.

The data presented in these tables are raw tallies, unadjusted for differences in the populations of different communities. Frequently, raw counts such as those presented in these tables are adjusted for baseline populations. This was not done for various reasons. First, the raw incidence of some events was too low to make adjustments meaningful. Second, it was not clear what specific population should be used as a reference. For example, should underage births be adjusted for the number of girls in a community, the number of births to teens, or the number of births? Nevertheless, the population for each community, as reported in the 2000 US Census, is tabled to provide some sense of the relative size of each community.

Conclusions

It is important to keep several caveats in mind when drawing conclusions based on these data. First, the base rate for statutory rape (the number of incidents relative to the population), is relatively low. Statutory rape (at least as reported to law enforcement and as estimated by birth records) does not seem to be all that common. When base rates are low, it is difficult to interpret changes over time or differences across localities. That is, it is difficult to determine if changes or differences represent real changes or differences across communities or if they represent random fluctuation. Getting a better idea of the meaning of changes and differences will require more years of data, perhaps a total of 5 years. Moreover, for criminal data, an accurate assessment of differences across years requires reasonably similar thoroughness of reporting for all jurisdictions across the years.

Second, differences in the number of offenses reported across communities may reflect various factors other than the actual number of offenses, the most obvious of these is the size of community. Other factors, such as the willingness of victims to report an offense, may also vary across communities and may influence reporting rates. Moreover, differences between offenses and arrests may reflect various factors, including the willingness of victims to press charges and testify and differences across communities in the vigor with which statutory rape laws are enforced. Finally, differences in birth rates may reflect various factors other than rates of intercourse, such as the termination of pregnancies.

With these caveats in mind, the following tentative conclusions seem warranted. As estimated by birth records, rates for statutory rape seem to have changed little from 1998-2000. Moreover, rates across the five regions are fairly similar, with the possible exception of somewhat lower rates in the Northern region. Across the Commonwealth, arrests do not match offenses, and this discrepancy does not vary much by region. Offenses and arrests were up in 2000 compared to 1999, and the ratio of offenses to arrests remained relatively constant (64% in 1999, 60% in 2000). Similar to the birth data, rates across the five regions are fairly similar, with the possible exception of somewhat lower rates in the Northern region.

Key to reading the tables

Community – the name of the County or Independent City. To save space, the words “County” and “City” are not included for most entries.

Region – the health region in which a community is located,

NW = Northwest, N = Northern, SW = Southwest, C = Central, E = Eastern

Population – the total population as reported by the 2000 US Census.

UA98 – the total number of births in 1998 for which the mother was 14 years old and the father was 17 years or older or the mother was 15 years old and the father was 18 years or older at the time of birth (UA for underage).

UA99 – the total number of such births in 1999.

UA00 – the total number of such births in 2000.

SO-99 – the number of statutory rapes (offenses) reported in 1999.

SA-99 – the number of arrests for statutory rapes reported in 1999.

SO-00 – the number of statutory rapes (offenses) reported in 2000.

SA-00 – the number of arrests for statutory rapes reported in 2000.

For reports of statutory rape, entries accompanied by * are based on incomplete reports. These are as follows:

1998 - incomplete data for Giles Co., Loudoun Co., Louisa Co., and Hopewell.

1999 - incomplete data for Alleghany Co., Charles City Co., Fairfax Co., King & Queen Co., Buena Vista, Chesapeake, Franklin City, Hopewell, Norfolk, and Petersburg.

2000 - incomplete data for Arlington Co., Charles City Co., Culpeper Co., Fairfax Co., King & Queen Co., Alexandria, Chesapeake, Danville, Falls Church, Radford City, and Waynesboro.

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Reports for Individual Counties and Independent Cities

Community	Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	SO-00	SA-00
Accomack	E	38,305	0	0	0	0	1	0	0
Albemarle	NW	79,236	1	3	2	2	1	1	3
Alleghany	SW	12,926	0	0	0	*0	*2	0	0
Amelia	C	11,400	0	0	0	2	4	0	0
Amherst	SW	31,894	2	1	0	0	0	0	1
Appomattox	SW	13,705	0	0	0	0	0	0	0
Arlington	N	189,453	1	2	1	0	0	*0	*0
Augusta	NW	65,615	1	2	0	0	1	1	2
Bath	NW	5,048	0	0	0	0	0	0	0
Bedford County	SW	60,371	2	3	1	0	0	0	0
Bland	SW	6,871	1	0	1	0	0	0	0
Botetourt	SW	30,496	0	0	0	3	2	1	0
Brunswick	C	18,419	1	0	0	0	0	0	0
Buchanan	SW	26,978	2	2	0	0	0	2	2
Buckingham	C	15,623	0	0	0	0	0	0	0
Campbell	SW	51,078	1	0	1	5	6	3	5
Caroline	NW	22,121	0	0	1	0	0	0	0
Carroll	SW	29,245	0	2	1	1	0	1	0
Charles City	C	6,926	0	0	0	*0	*0	*0	*0
Charlotte	C	12,472	0	2	0	0	0	1	1
Chesterfield	C	259,903	3	1	2	12	12	3	13
Clarke	NW	12,652	1	0	0	1	1	0	0
Craig	SW	5,091	0	0	0	0	0	0	0
Culpeper	NW	34,262	0	2	0	0	0	*0	*0
Cumberland	C	9,017	0	0	0	0	0	1	1
Dickenson	SW	16,395	0	0	0	0	0	1	0
Dinwiddie	C	24,533	1	3	0	1	0	0	0

Community	Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	SO-00	SA-00
Essex	E	9,989	1	1	1	0	0	1	0
Fairfax County	N	969,749	7	5	10	*1	*0	*2	*0
Fauquier	NW	55,139	0	1	0	0	0	4	2
Floyd	SW	13,874	0	0	1	1	0	1	1
Fluvanna	NW	20,047	0	0	0	1	0	11	0
Franklin County	SW	47,286	2	0	2	0	0	1	2
Frederick	NW	59,209	2	1	2	5	0	5	2
Giles	SW	16,657	1	0	0	2	0	0	0
Gloucester	E	34,780	0	0	0	0	0	1	1
Goochland	C	16,863	0	0	0	0	0	0	0
Grayson	SW	17,917	1	1	2	0	0	0	0
Greene	NW	15,244	1	0	1	0	0	3	1
Greensville	C	11,560	0	1	0	0	0	0	0
Halifax	C	37,355	0	0	1	1	0	1	1
Hanover	C	86,320	0	0	1	6	2	4	3
Henrico	C	262,300	2	2	7	4	0	7	1
Henry	SW	57,930	1	0	2	0	1	3	1
Highland	NW	2,536	0	0	0	0	0	0	0
Isle of Wight	E	29,728	0	2	0	0	0	0	0
James City	E	48,102	0	0	0	0	1	4	2
King and Queen	E	6,630	0	0	0	*0	*0	*0	*0
King George	NW	16,803	1	0	1	1	0	1	0
King William	E	13,146	0	0	0	0	0	0	0
Lancaster	E	11,567	0	0	0	0	0	2	0
Lee	SW	23,589	1	2	0	0	0	0	0
Loudoun	N	169,599	2	0	1	4	2	2	0
Louisa	NW	25,627	0	3	1	0	0	2	1

Community	Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	SO-00	SA-00
Lunenburg	C	13,146	1	0	0	3	2	1	1
Madison	NW	12,520	0	0	0	2	1	1	0
Mathews	E	9,207	0	0	0	0	0	0	0
Mecklenburg	C	32,380	1	0	0	0	1	1	1
Middlesex	E	9,932	0	0	0	0	1	0	0
Montgomery	SW	83,629	1	0	0	5	2	5	1
Nelson	NW	14,445	1	0	0	0	0	0	0
New Kent	C	13,462	0	1	0	0	0	0	0
Northampton	E	13,093	1	0	0	1	0	0	0
Northumberland	E	12,259	1	0	0	1	1	2	0
Nottoway	C	15,725	1	0	0	0	0	1	0
Orange	NW	25,881	2	0	0	1	1	2	1
Page	NW	23,177	1	1	0	1	0	0	0
Patrick	SW	19,407	0	1	0	0	1	0	0
Pittsylvania	SW	61,745	1	3	3	4	2	0	2
Powhatan	C	22,377	0	1	0	0	0	0	0
Prince Edward	C	19,720	0	0	0	0	0	2	2
Prince George	C	33,047	0	0	0	0	0	2	0
Prince William	N	280,813	4	5	4	0	0	1	0
Pulaski	SW	35,127	0	1	1	0	1	2	0
Rappahannock	NW	6,983	0	1	0	0	0	1	1
Richmond County	E	8,809	0	0	0	0	0	0	0
Roanoke County	SW	85,778	1	1	0	0	0	0	0
Rockbridge	NW	20,808	1	0	0	2	1	3	1
Rockingham	NW	67,725	4	3	3	3	0	1	0
Russell	SW	30,308	1	0	1	0	2	0	0
Scott	SW	23,403	0	0	0	0	0	5	3

Community	Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	S-00	SA-00
Shenandoah	NW	35,075	1	2	1	1	0	1	0
Smyth	SW	33,081	1	1	2	0	0	1	1
Southampton	E	17,482	0	1	0	1	0	1	1
Spotsylvania	NW	90,395	0	1	1	1	0	1	2
Stafford	NW	92,446	1	0	0	0	1	0	2
Surry	C	6,829	0	1	0	1	0	0	0
Sussex	C	12,504	0	0	0	0	0	0	1
Tazewell	SW	44,598	1	1	1	0	0	0	1
Warren	NW	31,584	1	1	1	2	0	0	1
Washington	SW	51,103	1	0	0	0	0	0	0
Westmoreland	E	16,718	2	1	2	0	0	2	1
Wise	SW	40,123	1	3	0	2	2	1	1
Wythe	SW	27,599	3	0	1	0	0	0	0
York	E	56,297	1	2	0	1	1	0	1
Alexandria	N	128,283	1	0	0	0	0	*2	*1
Bedford City	SW	6,299	0	0	0	1	0	0	0
Bristol	SW	17,367	0	0	0	0	0	1	1
Buena Vista	NW	6,349	0	0	1	*0	*0	0	0
Charlottesville	NW	45,049	0	0	0	2	1	5	2
Chesapeake	E	199,184	2	1	1	*2	*1	*3	*3
Clifton Forge	SW	4,289	0	0	0	0	0	0	0
Colonial Heights	C	16,897	0	1	0	0	0	0	0
Covington	SW	6,303	0	1	0	2	1	2	2
Danville	SW	48,411	3	2	3	0	0	*1	*0
Emporia	C	5,665	0	0	0	0	1	0	0
Fairfax City	N	21,498	0	0	0	3	0	0	0
Falls Church	N	10,377	0	0	0	0	0	*0	*0

Community	Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	SO-00	SA-00
Franklin City	E	8,346	0	0	0	*0	*1	0	0
Fredericksburg	NW	19,279	0	2	0	0	0	3	1
Galax	SW	6,837	0	1	1	1	1	0	0
Hampton	E	146,437	0	5	5	0	0	4	3
Harrisonburg	NW	40,468	2	2	2	1	0	3	0
Hopewell	C	22,354	0	0	1	*1	*3	2	1
Lexington	NW	6,867	0	0	0	0	0	0	0
Lynchburg	SW	65,269	1	1	1	0	0	4	2
Manassas	N	35,135	0	0	1	0	0	0	0
Manassas Park	N	10,290	0	1	0	0	0	2	0
Martinsville	SW	15,416	1	1	0	1	0	1	0
Newport News	E	180,150	1	3	3	2	3	2	4
Norfolk	E	234,403	4	1	3	*3	*0	9	2
Norton	SW	3,904	0	0	0	2	1	0	0
Petersburg	C	33,740	1	1	2	*1	*0	11	3
Poquoson	E	11,566	0	0	0	1	0	0	0
Portsmouth	E	100,565	0	0	3	0	0	2	1
Radford	SW	15,859	0	0	0	0	0	*0	*0
Richmond City	C	197,790	8	5	8	0	0	14	8
Roanoke City	SW	94,911	7	5	3	0	0	2	1
Salem	SW	24,747	0	0	0	1	1	1	0
Staunton	NW	23,853	0	0	0	0	0	2	1
Suffolk	E	63,677	4	0	1	1	0	0	1
Virginia Beach	E	425,257	6	5	3	0	0	33	20
Waynesboro	NW	19,520	1	1	0	0	0	*1	*0
Williamsburg	E	11,998	0	0	0	0	0	1	2
Winchester	NW	23,585	1	0	0	0	0	0	1

Reports for Health Regions and the Commonwealth

Region	Population	UA-98	UA-99	UA-00	SO-99	SA-99	SO-00	SA-00
Northwest	1,019,548	23	26	17	26	8	52	24
Northern	1,815,197	15	13	17	8	2	9	1
Southwest	1,307,816	37	33	28	31	25	39	27
Central	1,218,327	19	19	22	32	25	51	37
Eastern	1,717,627	23	22	22	13	10	67	42
Commonwealth	7,078,515	117	113	106	110	70	218	131

Chart 1: Underage births for the Commonwealth, 1998-2000

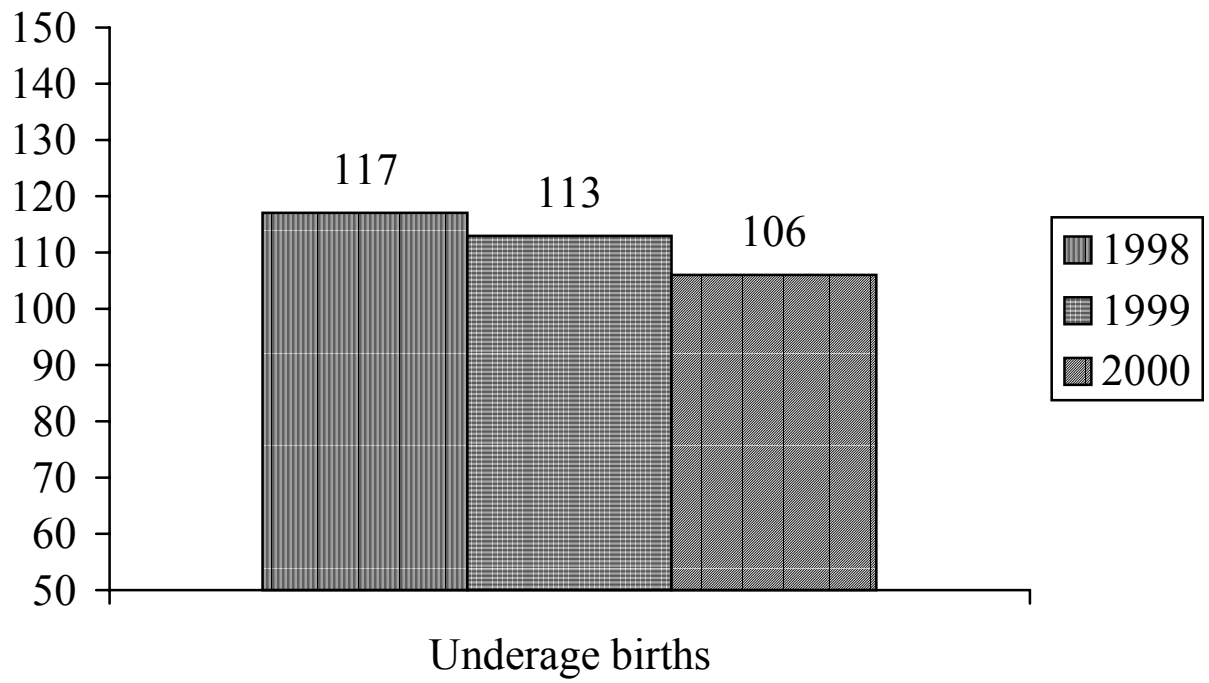
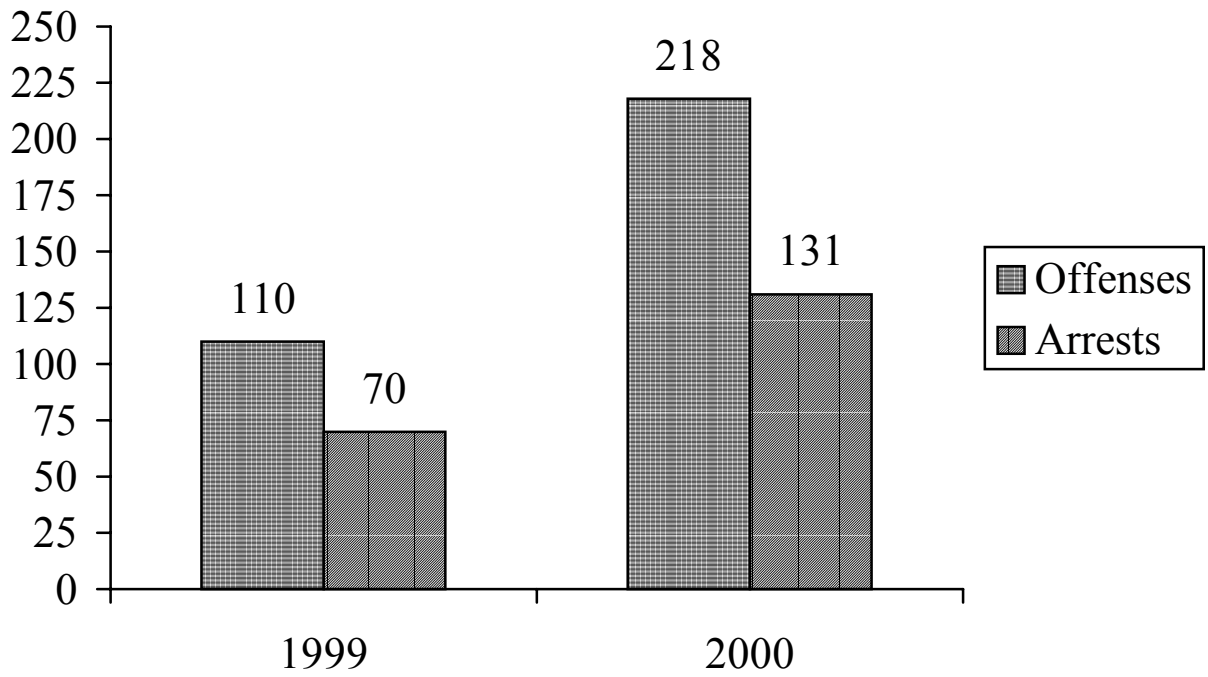


Chart 2: Offenses and arrests for statutory rape for the Commonwealth, 1999-2000.



Appendix A: Virginia code

§ 18.2-63. Carnal knowledge of child between thirteen and fifteen years of age.

If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony. However, if such child is thirteen years of age or older but under fifteen years of age and consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used. For the purposes of this section, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anallings, anal intercourse, and animate and inanimate object sexual penetration.

(Code 1950, § 18.1-44; 1960, c. 358; 1972, c. 394; 1975, cc. 14, 15, 606; 1981, c. 397; 1993, c. 852.)

§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty.

Any person eighteen years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition which renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in § 16.1-228, or (ii) engages in consensual sexual intercourse with a child fifteen or older not his spouse, child, or grandchild, shall be guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, 18.2-66, and 18.2-347.

(Code 1950, § 18.1-14; 1960, c. 358; 1975, cc. 14, 15; 1981, cc. 397, 568; 1990, c. 797; 1991, c. 295; 1993, c. 411.)